

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Patrick Thomas, Director of Public Works/City Engineer

DATE: December 12, 2023

SUBJECT: Approve Cost Participation Agreement Between the City of Temecula and Wingsweep Corporation and Woodside 05S for Public Improvements Related to the Sommers Bend Project

PREPARED BY: Anissa Sharp, Management Assistant
Ron Moreno, Assistant Director of Public Works

RECOMMENDATION: That the City Council:

1. Adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING A COST PARTICIPATION AGREEMENT BETWEEN CITY OF TEMECULA AND WINGSWEEP CORPORATION AND WOODSIDE 05S, LP FOR PUBLIC IMPROVEMENTS RELATED TO THE SOMMERS BEND PROJECT

2. Authorize the City Manager to sign the Cost Participation Agreement between the City of Temecula and Wingsweep Corporation and Woodside 05S, LP on behalf of the City of Temecula.

BACKGROUND: The City originally approved the Development Agreement between the City of Temecula and Ashby USA, LLC (also known as the Pre-annexation and Development Agreement) pursuant to Ordinance No. 02-14. The Development Agreement was recorded on January 9, 2003 as Document No. 2003-018567 in the Official Records of the County of Riverside. The Development Agreement was amended pursuant to: (1) the First Amendment to the Development Agreement Between the City of Temecula and Ashby USA, LLC, dated February 14, 2006 and recorded on March 7, 2006 in the Official Records of Riverside County as Document No. 2006-0162268; (2) the Second Amendment to the Development Agreement Between the City of Temecula and Ashby USA, LLC, dated April 23, 2013 and recorded on July 3, 2013 in the Official Records of Riverside County as Document No. 2013-0324057, and (3) the Third

Amendment to the Development Agreement dated March 8, 2016, and recorded on April 20, 2016 in the Official Records of Riverside County as Document No. 2016-0156276. Developer Woodside 05S, LP, a California Limited Partnership and Wingsweep Corporation, a California corporation (“Developer”) are the successors to certain of these approved applications for development and propose to construct the Sommers Bend Project (the “Project”).

In connection with the Project, the City previously authorized the construction of (i) public improvements related to Nicolas Road and Calle Girasol in the City (the “Road Improvements”), (ii) a “Community Sports Park” bordered on three sides by Butterfield Stage Road, North Loop Road, and Long Valley Wash (the “Sports Park”), and (iii) improvements to Butterfield Stage Road including the Butterfield Stage Road Phase III improvements (the “Butterfield Stage Road Phase III Improvements”), and (iv) the Long Valley Wash trail system including its easterly connection to the “Wine Country” future trail system (the “East Trail System Connection”). Together, the Road Improvements, the Sports Park, the Butterfield Stage Road Phase III Improvements, and the East Trail System Connection will be referred to as the “Improvements.” The Improvements are part of the Project.

On March 9, 2022, the City and the Phase II Owners entered into an Eighth Operating Memorandum to the Development Agreement (the “Memorandum”). Pursuant to the Memorandum, the Phase II Owners have agreed to participate in the planning, permitting, and/or construction of certain improvements which are part of the Project and the City has agreed to fund those improvements (the “Additional Improvements”). This Agreement will set forth specific terms of the Parties’ respective participation in the Improvements and the Additional Improvements, which together consist of the following:

- The additional improvements to Nicolas Road adjacent to the Seraphina project (the “Seraphina Frontage Improvements”) which are described as Exhibit A to the agreement.
- The upsizing of an Eastern Municipal Water District (“EMWD”) sewer main (the “Sewer Improvements”) which is described as Exhibit B to the agreement.
- The installation of additional streetlights and associated electrical services within the Nicolas Road and Calle Girasol project (the “Streetlight Improvements”). The Streetlight Improvements are described as Exhibit C to the agreement.
- The installation of certain additional improvements to the Sports Park (the “Sports Park Improvements”), which are described as Exhibit D to the agreement.
- The landscape repairs and additional landscaping for erosion control purposes within the Butterfield Stage Road Phase III Improvements (the “Landscape Improvements”), which are described as Exhibit E to the agreement.

- The additional improvements to the East Trail System Connection (the “Trail Improvements”), which are described as Exhibit F to the agreement.

The Agreement outlines the application of funding and responsibilities of both the City and Developer as they relate to the Improvements and Additional Improvements.

FISCAL IMPACT: Sufficient funds will be available through the Nicolas Road Multi-Use Trail Extension (PWNT-25) and the Citywide Trails Account. Additional appropriation of funds will be allocated as needed.

ATTACHMENTS:

1. Resolution
2. Cost Participation Agreement
3. Cost Participation Agreement Exhibits